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Sam A. Schmidt, Esq.

Honorable Loretta A. Preska, USDJ
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

September 21, 2021

Re: *U.S. v. Mark Goldberg*
12 Cr. 864 (LAP)

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

Dear Judge Preska:

Mr. Goldberg is presently on supervised release that began on October 16, 2019 and is to be completed October 16, 2022. He is requesting early termination of supervised release pursuant to 18 U.S.C. §§ 3583(e), 3564(c) and Fed.R.Cr.Proc. 32.1(c)(2)(B) on the grounds that early termination of the remaining balance of probation is warranted by defendant's conduct and is in the best interest of justice. I have conferred with PO Omlar, his supervising probation officer, and he has informed me that his office has no objection to early termination. PO Omlar has explained that Mr. Goldberg has made his restitution payments and is "stabilized" in that he has a residence and source of support.

It is important for Mr. Goldberg to no longer be on supervised release. He wishes to volunteer as a parent advocate. He has completed certification courses and other programs, and has assisted others prior to his incarceration. As a parent advocate he will be able to assist and teach fathers who are incarcerated how to advocate for themselves and navigate around the child welfare system and Family Court. I have attached some of his certificates he received. Mr. Goldberg has

been informed that he cannot assist and teach others while he is on supervised release.

If your Honor is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice, this court has the authority to terminate a term of supervised release after considering the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation. 18 U.S.C. § 3583(e), § 3564(c). As set forth in this letter, a consideration of these factors support this application.

As early as 2003, the Judicial Conference approved a policy that encouraged probation officers to seek early termination as soon as offenders were statutorily eligible as long as the offender had satisfied the conditions of supervision, had successfully reintegrated into the community, and did not pose a foreseeable risk to public safety. *See Early Termination of Supervision: No Compromise to Community Safety* by Laura M. Baber, James L. Johnson, Federal Probation, A Journal of Correctional Philosophy and Practice, Volume 77 Number 2, Office of Probation and Pretrial Services Administrative Office of the U.S. Courts.¹ This report states that the “Judiciary study of early termination of supervision of low-risk offenders shows that the practice not only saves money, it does so without compromising public safety.”

Early-term offenders save the probation and pretrial services system time when officers are no longer required to supervise them. Offenders receive early release from supervision an average of 15.7 months before their scheduled supervision term is set to expire. This, according to the report, allows districts to devote more resources to supervising and servicing offenders who are a greater risk to society.

Early termination also saves money. In fiscal year 2012, the supervision of more than 7,000 offenders was terminated early, saving the Judiciary more than \$7.7 million.

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<http://www.uscourts.gov/viewer.aspx?doc=/uscourts/FederalCourts/PPS/Fedprob/2013-09/no-compromise.html>

“This practice promotes justice, conserves resources, and protects the public,” said Judge Robert Holmes Bell, chair of the Judicial Conference Committee on Criminal Law.

See summary of report at
<http://news.uscourts.gov/early-termination-supervision-cost-effective-and-safe>.

Therefore, I respectfully request that your Honor order the early termination of supervised release.

Respectfully submitted,
/s/

Sam A. Schmidt